

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

CLAIMANTS: Cleo M. Erickson Living Trust; Robert A.
Erickson, Living Trust; Amelia F.
Johnson

OBJECTOR: United States of America (Bureau of
Reclamation)

CASE 43A-0569-R-2020

43A 31379-00 **43A 30159536**
43A 31380-00 **43A 30159537**
43A 31381-00 **43A 30159538**
43A 31383-00 **43A 30159539**

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. The record owners of claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00 are Amelia F. Johnson, the Cleo M. Erickson Living Trust, and the Robert F. Erickson Living Trust.

2. Claims 43A 31379-00, 43A 31380-00, and 43A 31381-00 were decreed with a notice-type issue remark:

POINT OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

3. The United States of America (Bureau of Reclamation) objected to claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00.

4. A Stipulation was filed on March 23, 2023, resolving the Objections. (Doc. 40.00)¹ The Stipulation proposes modifications to the places of use for the claims in this Case to represent their historical use. The Stipulation also indicates claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00 should be split, creating child claims representing the separate property interests in the claims.

5. Pursuant to the Stipulation, claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00 should be split, creating four child rights: 43A 30159536, 43A 30159537, 43A 30159538, and 43A 30159539.

6. Amelia F. Johnson should be the present record owner of claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00. And the Cleo M. Erickson Living Trust and the Robert A. Erickson Living Trust should be the current record owners of claims 43A 30159536, 43A 30159537, 43A 30159538, and 43A 30159539.

7. Pursuant to the Stipulation, the decreed flow rates should be split between each parent claim and child claim, and an information remark should be placed on each claim memorializing the agreement to share the flow rate.

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

8. Pursuant to the Stipulation, the places of use for claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00 should be reduced. Claims 43A 31379-00, 43A 31380-00, and 43A 31381-00 irrigate a maximum of 96.00 acres, as shown in Exhibit 9 of the Stipulation:



Claim 43A 31383-00 irrigates a maximum of 30.00 acres, as shown in Exhibit 11 of the Stipulation:



The proposed modified place of use legal land descriptions are reflected on the attached Post Decree Abstracts.

9. Pursuant to the Stipulation, the places of use for claims 43A 30159536, 43A 30159537 and 43A 30159538 irrigate a maximum of 174.00 acres, as shown in Exhibit 10 of the Stipulation:



Claim 43A 30159539 irrigates a maximum of 106.50 acres, as shown in Exhibit 12 of the Stipulation:



The proposed place of use legal land descriptions are reflected on the attached Post Decree Abstracts.

10. The Stipulation indicates supplemental rights remarks should be added to the child claims. Supplemental rights remarks will be removed from all claims at the final decree stage. Therefore, this Water Master will not recommend adding supplemental rights remarks to any claims, and for consistency in the present Case, this Water Master will recommend the remarks be removed now from the parent claims in this Case.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R. Splitting the claims in this Case does not constitute an increase to any claim elements.

4. The point of diversion and ditch name issue remarks decreed on claims in this Case are notice-type issue remarks. As the Objections have been resolved, no further proceedings are required.

RECOMMENDATIONS

1. Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court split claims 43A 31379-00, 43A 31380-00, 43A 31381-00, and 43A 31383-00, generating child claims 43A 30159536, 43A 30159537, 43A 30159538, and 43A 30159539.

2. The issue remarks and supplemental rights remarks should be removed from all claims in this Case.

Post decree abstracts of the water right claims addressed and created in this Master's Report are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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Caption Updated: 3/27/2023

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31379-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: APRIL 1, 1890

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.25 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31379-00 AND 43A 30159536 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.25 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	1.00	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

SPLIT CLAIM NO. 43A 30159536 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31380-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: MAY 1, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 224.40 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31380-00 AND 43A 30159537 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 224.40 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	1.00	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

SPLIT CLAIM NO. 43A 30159537 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31381-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: APRIL 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 394.94 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31381-00 AND 43A 30159538 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 394.94 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	<u>1.00</u>	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31378-00 31381-00

SPLIT CLAIM NO. 43A 30159538 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31383-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: JUNE 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31383-00 AND 43A 30159539 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.75 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 30.00

Source Name: SHIELDS RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	13	1N	9E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWER SHIELDS RIVER CANAL

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		SWNESW	13	1N	9E	PARK
2	1.00		NESWSW	13	1N	9E	PARK
3	20.00		SESW	13	1N	9E	PARK
4	1.00		SWSWSE	24	1N	9E	PARK
5	1.00		NENENW	24	1N	9E	PARK
6	6.00		NWNWNE	24	1N	9E	PARK

Total: 30.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31377-00 31383-00

SPLIT CLAIM NO. 43A 30159539 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159536 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: APRIL 1, 1890

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.25 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31379-00 AND 43A 30159536 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.25 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSW	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWN	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						
	174.00					

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31379-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159537 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: MAY 1, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 224.40 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31380-00 AND 43A 30159537 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 224.40 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSW	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWNW	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						174.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31380-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159538 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: APRIL 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 394.94 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31381-00 AND 43A 30159538 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 394.94 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSE	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWN	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						
	174.00					

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31381-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159539 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: JUNE 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31383-00 AND 43A 30159539 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.75 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 106.50

Source Name: SHIELDS RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	13	1N	9E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWER SHIELDS RIVER CANAL

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		S2SESW	13	1N	9E	PARK
2	8.00		S2NWNE	24	1N	9E	PARK
3	11.50		NENW	24	1N	9E	PARK
4	3.00		NESENW	24	1N	9E	PARK
5	52.00		S2NE	24	1N	9E	PARK
6	5.00		NENWSE	24	1N	9E	PARK

7	25.00	NESE	24	1N	9E	PARK
Total:	106.50					

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31383-00.